

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CASE NO. 1:20-cv-00954-WO-JLW**

FARHAD AZIMA,

Plaintiff,

v.

NICHOLAS DEL ROSSO and
VITAL MANAGEMENT SERVICES,
INC.,

Defendants.

**DEFENDANTS' MOTION TO
SEAL**

NOW COMES Defendants Nicholas Del Rosso (“Del Rosso”) and Vital Management Services, Inc. (“VMS”) (collectively, “Defendants”), by and through their undersigned counsel, and pursuant to Local Rules 5.4 and 5.5, hereby move this Court to seal Exhibit B to Defendants’ Response to Plaintiff’s Motion to Compel Discovery (“Defendants’ Response,” D.E. 157-2); and Exhibits A, B, and C to the Second Declaration of Nicholas Del Rosso (“Del Rosso Declaration,” D.E. 157-8). In support of this Motion, Defendants show the Court the following:

1. Exhibit B to Defendants’ Response contains information provided by the Indian police relating crimes perpetrated on Defendants and CyberRoot Risk Advisory Private Limited (“CyberRoot”). This information was designated as confidential, and should remain under seal in its entirety.

2. Exhibit A to the Del Rosso Declaration contains a true and accurate transcription of audio recordings between Del Rosso and Yuri Koshkin which constitute highly sensitive and confidential communications related to third parties as well as potential dispute resolution related to the Ras al Khaimah Investment Authority (“RAKIA”) fraud lawsuit against Farhad Azima in the High Court of Justice in London, Claim NO. HC-2016-002798 (the “English Proceeding”).

3. Exhibit B to the Del Rosso Declaration contains a document that Koshkin received from Dmitri Vozionav, a legal strategist working with, amongst others, Farhad Azima. The document contains confidential and highly sensitive information regarding third parties. Koshkin provided this document to Del Rosso in confidence and in furtherance of a potential dispute resolution.

4. Exhibit C contains a text message conversation between Del Rosso and Koshkin regarding, amongst other things, potential dispute resolution with third parties.

5. Exhibits A, B, and C to the Del Rosso Declaration warrant sealing because they involve confidential settlement discussions and disclose confidential and highly sensitive information of third parties. Courts regularly seal evidence of such negotiations from the public record. *See, e.g., Duke Univ. v. Endurance Risk Sols. Assurance Co.*, 2022 WL 3636601, at *8 (E.D.N.C. Aug.

23, 2022) (sealing “documents which . . . contain settlement negotiations and proposals as well as materials which are confidential between the parties and confidential business information”); *Loc. Access, LLC v. Peerless Network, Inc.*, 2017 WL 2212786, at *2 (M.D. Fla. May 17, 2017) (sealing “settlement negotiations that were intended to be confidential”); *Microsoft Corp. v. Motorola, Inc.*, 2012 WL 5476846, at *2 (W.D. Wash. Nov. 12, 2012) (sealing settlement negotiation documents, finding that “[t]he importance of encouraging frank settlement negotiations outweighs the public's interest in knowing what was discussed in those settlement negotiations.”); *Travelers Indem. Co. v. Excalibur Reinsurance Corp.*, 2012 WL 13029602, at *10 (D. Conn. May 10, 2012) (sealing, *inter alia*, “confidential settlement negotiations”).

6. Accordingly, sealing is appropriate here. Public knowledge of the specific information contained in Exhibit B to the Response and Exhibits A, B, and C to the Del Rosso Declaration would not enhance the public’s understanding of the dispute at bar. Therefore, Defendants’ interest in keeping this information sealed outweighs any interest that the public would have this information.

7. In light of the above, Defendants seek to permanently seal Exhibit B to the Response; and Exhibits A, B, and C, subject to their redactions, as

there are no less drastic means of ensuring this highly sensitive information remains confidential.

8. In accordance with the Local Rules, Defendants will submit a Local Rule 5.4 Checklist to Judge Osteen's ECF mailbox within three (3) business days of filing this Motion.

WHEREFORE, Defendants respectfully request that the Court seal Exhibit B to the Response and Exhibits A, B, and C to the Del Rosso Declaration.

Respectfully submitted, this the 9th day of February, 2023.

**NELSON MULLINS RILEY &
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CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of February, 2023, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send electronic notification of filing to the following:

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